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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,077	09/12/2003	Eldon L. Decker	1887A1	9797

7590 02/21/2007
PPG INDUSTRIES, INC.
Intellectual Property Department
One PPG Place
Pittsburgh, PA 15272

EXAMINER

AHMED, SHEEBA

ART UNIT	PAPER NUMBER
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1773

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/662,077

Applicant(s)

DECKER ET AL.

Examiner

Sheeba Ahmed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 20, 2006 has been entered.

Response to Amendments

2. Amendments to claims 1, 3, 14, 18, 20, 30, 34, and 38 have been entered in the above-identified application. **Claims 1-39 are pending.**

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1, 18, and 34 recite that "wherein said coating composition is exposed to a first light level exhibits a first colored appearance that is dominated by

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absorbance of light by both of said colorants and said light light-absorbing particles”.

Claims 4, 15, 21, 31, and 39 recite a Markush group of pigments however it is unclear what are salt type (lakes) and condensation pigments? Further, the Examiner recommends listing the polycyclic pigments recited in parentheses as part of the Markush listing otherwise it is unclear whether the pigments listed in parentheses are part of the Markush group or not.

Claims 6 and 23 recites that the resinous binder comprises a curable polymer composition. Which resinous binder does this refer to? First layer, second layer or both?

Claims 7, 8, 18, 24, 34, and 35 recite weight percentages of various components but do not state what the wt. %'s are based upon. Clarification is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4-6, 9-13, 15-119, 21-29, 31-37, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Babler (US 5,997,627).

Babler discloses a method of using pigment compositions to prepare coating compositions which yield thin film finishes having a 3D appearance (col. 1, lines 9-12). The pigment compositions comprise organic fillers and colored pigments and suitable

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colored pigments include organic pigments listed in col. 2, lines 36-45 and include azo pigments. The pigment composition is prepared by mixing the pigment with the filler and applying the coating composition to a substrate to yield a thin film. The coating composition is generally heat curable and includes a binder (Col. 3, lines 60-66 and Col. 4, lines 1-20). The colored pigments are preferably smaller than 0.1 microns (Column 4, lines 3-65). The coatings can be provided with one or more layers of clear or additional effect coating. The heat curable acrylic/melamine resin combination coatings are used as binders for the clear coating. The clear coatings may also contain polymer soluble dyes such as phthalocyanine dyes, metal complexes of azo dyes and fluorescent dyes (Column 6, lines 37-47). The pigment composition layer taught by Babler is the same as the lower layer of the instantly claimed invention and the clear layers taught by Babler are the same as the upper layer of the instantly claimed invention. All limitations of claims 1, 2, 4-6, 9-13, 15-119, 21-29, 31-37, and 39 are disclosed in the above reference.

Response to Arguments

5. The rejection of claims 1-4, 6-21, 23-39, and 41-44 under 35 U.S.C. 112, first paragraph because the specification, while being enabling for a two layer laminate comprising an upper layer comprising a resinous binder and colorants which emit fluorescent light when exposed to visible light and have a particle size of less than 150nm and a lower layer comprising a resinous binder and light scattering particles, does not reasonably provide enablement for a two layer laminate comprising an upper

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layer comprising a resinous binder and colorants which emit fluorescent light when exposed to visible light and a lower layer comprising a resinous binder and light scattering particles and the rejection of claims 1-44 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement have been withdrawn in light of the amendments made to claims 1, 3, 14, 18, 20, 30, 34, and 38 and the arguments presented in the Reply of October 20, 2006.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheeba Ahmed whose telephone number is (571)272-1504. The examiner can normally be reached on Monday-Friday from 6am to 2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571)272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.



Sheeba Ahmed
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January 7, 2007